



**UNITED STATES DEPARTMENT OF COMMERCE
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SEP 30 1988

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In re Application of :
David M. Geshwind :
Serial No. 07/186,013 :
Filed April 25, 1988 :
For: A METHOD TO CONVERT TWO :
DIMENSIONAL MOTION :
PICTURES FOR THREE- :
DIMENSIONAL SYSTEMS :

LETTER REGARDING
FILING DATE

In re Application of :
David Geshwind :
Serial No. 07/227,403 :
Filed December 17, 1986 :
For: A METHOD TO CONVERT TWO :
DIMENSIONAL MOTION :
PICTURES FOR THREE- :
DIMENSIONAL SYSTEMS :

This is a response to the petition filed May 26, 1988 requesting that duplicate application papers attached to the petition be assigned a serial number and accorded a filing date of December 17, 1986. The petition and accompanying papers have been placed in a file wrapper and assigned Serial No. 07/227,403. ✓

Petitioners allege that the original application papers were filed in the Patent and Trademark Office (PTO) on December 17, 1986 without the filing fee or an executed oath or declaration. However, the original papers cannot be located in the PTO. In support, the petition is accompanied by a copy of applicant's postcard receipt acknowledging receipt of a cover letter, specification and claims on December 17, 1986. Also submitted are declarations by inventors Geshwind and Handal. Mr. Geshwind's declaration identifies the duplicate papers attached to the petition (Exhibit A) as a copy of the specification which he prepared and delivered to coinventor/counsel Handal on December 1, 1986. Mr. Handal identifies Exhibit A as a copy of the papers filed with the postcard receipt on December 17, 1986.

The evidence presented is convincing that the original papers were received in the PTO on December 17, 1986 and subsequently misplaced in the Office.

In view of the above, the application will be accorded a filing date of December 17, 1986. The duplicate papers filed May 26, 1988 will be used for examination purposes.

It is noted that on April 25, 1988 applicants filed what appears to be a duplicate of the application papers deposited May 26, 1988, except the unsigned declaration filed April 25, 1988 identifies a correspondence address which differs from the correspondence address identified in the papers filed May 26, 1988. The papers filed April 25, 1988 were accorded a filing date of April 25, 1988 and assigned Serial No. 07/186,013. No petition or statement verifying the papers as duplicates of an earlier application was filed on April 25, 1988. Accordingly, the papers were treated as an original application filed under 37 CFR 1.53(b) and (d) and a letter was mailed June 2, 1988 requiring an oath or declaration, the filing fee and surcharge. No response to that letter is presently in the file.

The filing fee due in application Serial No. 227,403 is \$340.00 for the basic filing fee + \$68.00 pursuant to 37 CFR 1.16(b) + \$288.00 pursuant to 37 CFR 1.16(c). In addition, \$110.00 is due for the surcharge pursuant to 37 CFR 1.16(e). Thus, the total fee due is \$806.00. The \$365.00 required by 37 CFR 1.16(b) and (c) must be submitted or the additional claims must be cancelled.


Applicants are given ONE MONTH from the date of this letter to file in application Serial No. 227,403 an oath or declaration in compliance with 37 CFR 1.63 identifying the specification to which it is directed (preferably by reference to application Serial No. 227,403 and filing date of December 17, 1986) and to pay the filing and surcharge fees identified above in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The response should be directed to the attention of Application Branch.

Application Serial No. 186,013 is being returned to Application Branch to await any response to the letter mailed therein on June 2, 1988. Applicants should not pay the filing fee in application Serial No. 186,013 if, in fact, that application is a duplicate of application Serial No. 227,403.

Application Serial No. 227,403 is being forwarded to the Office of Finance for crediting the \$140.00 petition fee to counsel's deposit account No. 08-0570.

Thereafter, the application will be returned to Application Branch for further processing with a filing date of December 17, 1986 using the specification and drawings filed May 26, 1988 and the oath or declaration filed in response to this letter.

Applicants should note that they are responsible for notifying the appropriate receiving office of the serial number of any prior application required to meet PCT requirements.



John F. Gonzales
Special Program Examiner
Office of the A/C for Patents

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